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OFFICE OF PETITIONS

In re Application of :
Young et al. :
Application No. 10/694180 : DECISION ON PETITION
Filed: 10/28/2003 :
Atty Docket No. 34382-60266 :

This is a decision on the petition filed on 1 May, 2007, under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 23 December, 2006, for failure to timely and properly respond to the final Office action mailed on 22 September, 2006, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. An

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

amendment after final rejection was filed on 22 November, 2006. On 14 December, 2006, an Advisory Action was mailed, stating that the amendment failed to place the application in condition for allowance. Notice of Abandonment was mailed on 1 May, 2007.

Petitioners have file a Request for Continued Examination and have indicated that the previously filed amendment is the submission required by 37 CFR 1.114.

This application is being forwarded to Technology Center Art Unit 1744 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.



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